

Law Offices of
SIMON HARTER, Esq.

sharter@harterlaw.com

304 Park Avenue South – 11th Floor
New York, New York 10010
Tel: (212) 979-0250
Fax: (212) 979-0251

20 Nassau Street – Suite 211
Princeton, New Jersey 08542
Tel: (609) 688-8330
Fax: (609) 688-8331

January 31, 2006

Via Telecopier (212) 805-6382
Honorable Victor Marrero
United States District Judge
Southern District of New York
40 Centre Street – Suite 414
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1-31-06

Re: Phoenix Bulk Carriers Ltd. vs.
Kremikovtzi Trade a/k/a Kremikovtzi Trade Ltd.
Civil Action No.: 05-CV-9559 (VM)

Dear Judge Marrero:

We represent GSHL Bulgaria S.A. in connection with the above matter. We are preparing to file a notice of restricted appearance on behalf of GSHL Bulgaria S.A. pursuant to Rule E(8) of the Supplemental Rules for Certain Admiralty and Maritime Claims. In the interim, we write to respectfully request that the Court schedule a pre-motion conference in this matter.

This is an admiralty and maritime action in which the Plaintiff has obtained an Ex Parte Order of Attachment from this Court pursuant to Rule B of the Supplemental Admiralty Rules. Plaintiff seeks to attach the Defendant's assets as security for certain charter party claims that are subject to London arbitration. GSHL Bulgaria S.A., a non-party to this action against which no claims have been asserted by Plaintiff, is the owner of approximately \$883,717.24 in funds wrongfully attached by Plaintiff as a result of bank error.

Rather than consenting to vacate this wrongful attachment, Plaintiff has taken the further, unwarranted step of serving a subpoena upon The Bank of New York on January 17, 2006 calling for, *inter alia*, testimony, and the

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production of documents, pertaining to GSHL Bulgaria S.A.'s banking activity and related correspondence from The Bank of New York's branch in London, England. The subpoena is returnable on February 8, 2006.

We respectfully request that this Court schedule a pre-motion conference for the purpose of discussing GSHL Bulgaria S.A.'s contemplated motion(s) to vacate the wrongful attachment of its funds and to quash or, in the alternative, modify the subpoena issued by Plaintiff to The Bank of New York.


It is our understanding that the Defendant, Kremikovtzi Trade a/k/a Kremikovtzi Trade Ltd., has not filed an Answer or otherwise appeared in this action.

We appreciate the Court's kind consideration of this request.

Very truly yours,


Simon Harter

cc: Via Telecopier (212) 425-1901
Peter Gutowski, Esq.
Freehill, Hogan & Mahar LLP
Attorneys for Plaintiff

<p>Plaintiff is directed to respond by 2-2-06 to the request herein, setting forth the legal basis for the action here described against the funds of non-party, GSHL Bulgaria SA and against The Bank of New York. In the event a conference is necessary the Court will schedule it upon review of</p> <p>SO ORDERED: plaintiff's response.</p> <p>1-31-06 </p> <p>DATE VICTOR MARRERO, U.S.D.J.</p>	
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